

Three Cheers for Two Thirds

By Senator Tom McClintock
February 3, 1998

For 119 years, the California Constitution has protected property taxpayers against indiscriminate tax increases by requiring a two-thirds majority vote for property tax-supported debt. While shielding taxpayers against massive tax increases, this provision allowed California to finance construction of its schools during the most dramatic eras of growth in its history, including massive immigration during World War II and the explosive post war baby boom. But as the public school system bureaucratized in the 1960's and 70's, a concerted effort began to abolish this constitutional protection. Numerous ballot measures were placed before voters during this period, both to abolish the two-thirds vote, as well as to strengthen it. In every election, the California voter has spoken with clarity and force in support of the two-thirds vote protection.

The two-thirds vote is firmly grounded on democratic principles of minority rights and fiscal prudence. The two-thirds vote has traditionally been used where a minority's rights are infringed upon. In the case of local property-tax supported bonds, those rights include:

- That of property owners not to have taxes imposed upon them by others who do not share the burden of those taxes;
- That of children not to be burdened with debt that has been imposed without their approval;
- That of all taxpayers to enjoy the fruits of their labors;
- That of the community not to be bound by acts they cannot repeal

Two other arguments should weigh heavily on the legislature as it once again considers repealing this constitutional protection. The first is the public will, which has been demonstrated time and again on this issue. The other is the simple question of how much tax is enough? The central, though seldom discussed, issue at the core of the two-thirds vote controversy is this: any reduction in the threshold assures an increase in the property tax burden of the people of California. This is the ultimate objective of those who seek to undermine the constitution in this manner.

The arguments made against the two-thirds vote are difficult to defend. The first is that the two-thirds vote is undemocratic, because it gives twice the weight to a "no" vote as to an "aye" vote. This argument ignores the balance of majority rule with minority rights, which is the entire essence of our democratic republic, and the purpose of the extraordinary majority vote. Indeed, the Declaration of Independence required a unanimous vote to bring into existence the American Democracy.

The second argument is that the two-thirds vote is out-dated in a period of intense population growth and declining resources for schools. The facts paint a picture quite the opposite. Population growth in the 1980's and 1990's has slowed to half the rate of the proceeding decades of the 20th Century, and the rate of bond passage is twice as high. And yet, throughout a period of higher population growth and greater reluctance to approve local school bonds, the two-thirds vote threshold allowed construction of schools to keep up with demand.

A third argument is that the two-thirds vote is an unreasonable threshold for approval of debt. Yet half of all local bond measures achieve the two-thirds threshold on the first attempt, and nearly 70 percent succeed on subsequent attempts.

Finally, it is argued that the two-thirds vote would reduce local dependence on state bond issues. This is hardly the case. Seven billion dollars of new state bond issues have been proposed to provide a 50/50 match of local resources, assuring that state bond funds will be used in every school construction measure into the foreseeable future.

Cognizant that there is insufficient support to abolish the two-thirds vote in the current legislature, the school lobby has been advocating a "compromise" vote of three-fifths. However, such a compromise does nothing to address the core attack made against the two-thirds vote: that it is undemocratic. Once this position is taken, no vote other than a simple majority is satisfactory. True, a three-fifths threshold would increase the bond passage rate to 70 percent, but a simple majority threshold would increase it to more than 90 percent. If the need is so great, and the extraordinary majority so offensive to democratic sensibilities, it is just as hard to justify a three-fifths vote as a two-thirds vote. This paper explores these arguments in greater depth, but the ultimate question is a simple one: should property taxes be raised massively to pay for additional school construction?

History

The two-thirds vote requirement for local bonded indebtedness and property tax increases has been a part of the California

Constitution since 1879. In his 1881 State of the State message, Governor George Perkins lectured California legislators against "extravagance in the expenditure of public monies." He then bluntly warned:

"It is often urged that the power of local taxation should be unrestricted, as those who fix the rate are elected directly by the taxpayers; but while this is so in theory it is not true in practice, experience having demonstrated that in municipalities the taxpayers do not constitute a majority of the electors, and we also learn from the past that local taxes almost always reach the full limit allowed by law."

In 1883, the legislature responded to the Governor's call by adopting statutory language providing uniform procedures for a two-thirds vote for local bond measures.

The two-thirds vote remained in place through the dramatic immigration during World War II, when California became the staging area for the entire Pacific Theater. It remained in place during the explosive post-war baby boom. And throughout this period, school construction kept pace with needs. Yet, as the public schools began to bureaucratize in the 1960's and 1970's, and as unionized school employees became an overwhelming force in California politics, demands began to be heard to undermine this protection in the Constitution.

Proposition 4, in 1966, proposed a 60 percent vote for bonds for school and library construction. The arguments presented to voters revolved on the same themes heard today:

"When the average school board seeks successful passage of school bonds, it does so because a serious need develops in the school system. This need may be for more classrooms to end double sessions; it may be to lower class size or provide a cafeteria, gym or playground. If the bonds are defeated because of the high 66 2/3 vote required, the need still remains and education suffers..."

"Only four states...now have a 66 2/3 requirement for the approval of school and library bonds. Thirty-two states require only a simple majority. Yet no other state has the pressure California has to provide school facilities -- 150 new classrooms every Monday morning..."

Even in the full blush of the Great Society era, California voters rejected Proposition 4 by a vote of 2.5 million "yes" to 2.8 million "no" votes.

In June of 1978, California voters overwhelmingly adopted Proposition 13 by a 64.8 percent to 35.2 percent margin. Proposition 13 exceeded the two-thirds constitutional provision by prohibiting any parcel tax to finance bonded indebtedness. Thus, for eight years between 1978 and 1986, no such taxes were permitted. In June 1986, Proposition 46 repealed this provision, and re-instated the two-thirds vote threshold.

All of the attacks on the two-thirds vote did not come from the legislature. The leftist Rose Bird Supreme Court severely curtailed this protection in its infamous decision in *San Francisco v. Farrell*. Voters reacted decisively by overriding the court with Proposition 62.

In 1993, another attempt was made to lower the vote threshold with Proposition 170. The ballot argument sounded very similar to the 1966 ballot pamphlet:

"California continues to experience rapid enrollment growth in its public schools.

"In addition, most schools are 30, 40, and 50 years old. These school buildings should be updated and renovated to protect the taxpayers investment and provide a modern learning environment for our children."

Proposition 170 was voted upon in a special election that strongly favored the school employees lobby because of the lower voter turnout associated with such elections, and the presence on the same ballot of a voucher initiative, which energized the lobby's base. Yet voters rejected the initiative by a margin of 30.6 percent "yes" to 69.4 percent "no." Proposition 170 passed in only three out of 80 Assembly Districts and one out of 40 Senate districts. A district breakdown of the vote is Appendix A.

In November 1996, California voters again overwhelmingly supported Proposition 218, which sharply limited the use of local fees and assessments and reiterated the two-thirds vote provisions. Proposition 218 passed with 56.55 percent of the vote.

Shortly after he took office in 1991, Governor Pete Wilson proposed that the two-thirds vote protection that Governor George Perkins so eloquently defended in 1881 be removed from the Constitution. Every year since then, measures attempting to do so have failed passage in the state legislature, with the exception of Proposition 170, which narrowly passed the legislature only to

pulverized by the voters. In his last State of the State message, Governor Wilson renewed his proposal to obliterate the two-thirds vote requirement. SCA 12 is now pending consideration in the Assembly, having passed the Senate without a vote to spare.

Arguments For the 2/3 Vote

The arguments in favor of the two-thirds vote are these:

- It protects property owners from having taxes imposed upon them by a majority that does not pay them
- It protects the interests of children whose consent is not obtained to impose the debt, but who are obligated to repay it
- It protects the interests of future majorities that want to repeal the tax, but are prohibited from doing so
- It protects the right of all workers to enjoy the fruits of their labors
- It respects the will of the public which has been repeatedly demonstrated in statewide elections over the past 120 years
- It protects taxpayers against excessive property tax increases

Protecting the rights of the minority

It is not only the rights of property owners that are protected by the two-thirds vote threshold. This threshold also protects the majority of voters decades in the future from being obligated by a single temporary majority in a low-turnout election.

The Rights of Property Owners

The principle difference between local general obligation bonds and state general obligation bonds explains why local bonds require a two-thirds vote while state bonds require only a majority. Local bonds are secured by property taxes paid by a single class of citizens: property owners. State bonds are secured by the full faith and credit of the State of California and are supported by all taxpayers and all taxes. The ability of the electorate to impose a tax upon a single class of taxpayers, for the benefit of the entire community, is subject to obvious abuse. The two-thirds vote makes it much less likely that such a tax would be imposed over the objections of the group who must pay the tax. Or, as Gov. Perkins warned, "in municipalities the taxpayers do not constitute a majority of the electors."

Advocates of the majority vote argue that renters also pay property tax, passed through as rent, but this is not necessarily true. As Larry McCarthy of the California Taxpayers Association points out: "In many cases, renters will not pay any of the increased tax, especially when rent control exists. Even when rent control is not present, property owners may be forced to absorb all of the tax increase because nearby rental properties may be outside the taxing jurisdiction, and competition with the lower-taxed properties would preclude any pass-through."

The Rights of Children

One of the most insidious elements of public debt is that those who vote for it are often not those who must repay it. With debt service spread over thirty years, as a simple actuarial matter, more than half the voters who impose it will not have to repay it. That duty will fall to the young and the unborn, who are precluded from voting on it in the first place. This becomes particularly obnoxious when the debt is used for computer equipment, air conditioning and heating, deferred maintenance such as painting, re-roofing, and general repairs. Not only will the children of today be forced to pay for goods and services they never approved, the debt will exist long after the paint has peeled, the computers have been junked and the air-conditioning has been replaced.

Joel Fox of the Howard Jarvis Taxpayers Association notes that "Even the United States Supreme Court recognized the rightness of requiring special protection for taxpayers on long term bond commitments. In a West Virginia case called *Gordon v. Lance* in 1971 the court declared: "In voting to issue bonds we are committing, in part, the credit of infants and of generations yet unborn, and some restriction on such commitment is not an unreasonable demand."

The Right to Correct Mistakes

When the voters make a mistake, whether it is a constitutional amendment, an election, or an initiative, they have constant opportunity to correct it. A constitutional amendment adopted in one election can be repealed the next, or sooner in a special election if necessary. A candidate elected in one election can be removed in the next, or sooner in a recall if necessary. Whatever the voters do, the voters can undo.

There is only one exception to this in the entire experience of government: debt. Once the debt has been created, it must be repaid. In the case of property tax supported debt, the tax rate necessary to repay the debt is not a set percentage of assessed valuation. If assessed valuation declines, the rate must go up automatically to satisfy the obligation of the community. Thus,

without the two-thirds safeguard, a temporary majority in a low-turnout election could literally tie the hands of the majority of the entire community for the next thirty years.

The Right to Enjoy the Fruit of One's Labor

California's constitution requires a two-thirds vote of the legislature before any tax may be imposed on the people. Once again, the reason stems from the need in a democracy to reconcile majority rule with minority rights. The right to hold property -- to enjoy the fruit of one's labors -- is fundamental in a free society. It is the unalienable right to the pursuit of happiness that the American Founders considered self-evident. The power to tax is essential to support governmental activity, but it is also the power to destroy. To wield a power so great, and to abridge a right so fundamental in a free society, should require more than a transient or negligible majority.

This is the reason that local bonds require a two-thirds vote, while state bonds do not. Local bonds require a direct tax increase. State bonds, paid from the general fund, do not. State bonds can be accommodated from natural revenue growth or from concomitant cuts in other expenditures.

The Public Will

In addition to the policy issues involved, the public's will on this subject, most recently reflected through Proposition 170 in 1993, ought to be considered. The measure failed in 77 out of 80 assembly districts, and 39 out of 40 senate districts, with a statewide vote of only 30.6 percent "yes" and 69.4 percent "no."

This was a resounding vote, but is even more dramatic in light of the fact that it appeared on the same ballot as Proposition 174, the voucher initiative. Defeat of the voucher initiative was the top election priority of the teachers' unions across the country. The California Teachers Association alone spent \$15 million to defeat the measure, and committed its awesome political machine to maximize the turnout of the public school constituency. This election, therefore, may have represented the absolute high-water mark for the school employees' lobby, and it is unlikely that it will see political conditions that are again as favorable to its interests.

Fox writes, "the two-thirds vote balances some political realities. The school establishment is organized to turn out its vote; districts have information campaigns that can border on advocacy; and the system can be manipulated for optimum results. An example of this last situation: scheduling a special election which would be advantageous to the bond's chances because proponents would be more likely to vote. These are realities in our election system."

Interestingly, recent statements by opponents of the two-thirds vote blame the loss of Proposition 170 on Proposition 174, the voucher initiative. William Endicott of the Sacramento Bee approvingly quotes Senator Jack O'Connell's explanation: "That statewide special election included several issues on the ballot with the primary focus being Proposition 174 -- public school vouchers. All attention, energy and resources were focused on its defeat, affording little or no opportunity to discuss the merits of majority vote for schools." But this isn't what O'Connell was saying at the time. Two weeks before the election, O'Connell told the Sacramento Bee, "Proposition 174 is going to turn the pro-public education people to the polls en masse, and that bodes well for Proposition 170."

Protecting Against Excessive Tax Increases

Although it is stating the obvious, the basic controversy involving the two-thirds vote is the fact that it is more difficult to raise taxes with a two-thirds vote than it is with a majority vote. All of the arguments for and against this issue are tangential to this basic fact.

Of the 529 local school bond elections since 1982, nearly half have received a two-thirds vote. Lowering the vote threshold to a simple majority would boost the approval rate to a whopping 93 percent. In bond elections during the first six months of 1997, the approval rate would have been 100 percent. Property owners could reasonably expect at least a doubling of new assessments without this constitutional protection, and possibly more. There is no way to estimate how many bonds of dubious merit have been discouraged from being placed on the ballot because of the two-thirds threshold.

Arguments Against the 2/3 Vote

Over the thirty years the two-thirds vote has been under attack by the school employees' lobby, the arguments have been remarkably unimaginative:

- The two-thirds vote is undemocratic

- The two-thirds is an unreasonable threshold
- The two-thirds vote makes it impossible to keep pace with school construction needs
- The two-thirds vote makes local districts dependent on state bonds, with all the strings that come with it
- These arguments show a remarkable ignorance of both basic democratic theory and overwhelming historical experience.
- The two-thirds vote is undemocratic, giving a "no" vote twice the weight as an "aye" vote.

During the debate on the Assembly floor on August 28, 1992, which saw the placement of Proposition 170 on the ballot, then Assemblywoman (and currently the Superintendent of Public Instruction) Delaine Eastin made the remarkable comment, "I remind you again of my old...professor who said: 'If we had required a two-thirds vote, we'd still be colonies of Great Britain.'"

So much for a good public school education. Actually, the Second Continental Congress imposed not a two-thirds threshold, but a unanimous threshold, for adoption of the resolution on independence and the Declaration that followed it. Far from having twice the weight of a "yes" vote, a single "no" vote could have defeated 12 "yes" votes.

Eastin and her compatriots were obviously poorly schooled in history. Their instruction seems to have been equally lax in basic civics. Those who pledge total allegiance to "majority rule" seem totally oblivious to the other half of the American tradition: "minority rights." The two-thirds vote is specifically designed to reconcile the two.

Extraordinary majority votes have a long precedent in parliamentary procedure and constitutional law, specifically as a device to protect the rights of the minority in a democratic structure. In common parliamentary law, for example, votes that limit freedom of speech require a two-thirds vote. Changing the organic law of the nation ---- the Constitution and its Bill of Rights --- requires a three-fourths majority vote of the states. Indeed, the extraordinary majority appears ten times in the United States Constitution. Not only was the vote required to adopt the Declaration of Independence unanimous but so, too, is a jury vote in most criminal cases. And for a century, the state constitution has recognized that tax increases, which abridge the inalienable right of individuals to hold property, also should require more than a simple, transitory majority.

The Two-Thirds Vote is an unreasonable threshold for bond approval.

In fact, local bonds are garnering a two-thirds vote by a wider margin than ever before. According to Fox: "Over the last decade, 50% of the school bonds on the ballot have passed with a two-thirds vote. Compare that to the decade prior to Proposition 13. Only 30% of school bonds were successful in garnering a two-thirds vote in the late '60s and '70's."

Indeed, the passage rate of local bond measures in the 1996 elections indicates that the two-thirds threshold is becoming much easier to achieve. According to Roger Magyar of the Assembly Republican Caucus:

- "In November of 1996, 10 of 17 school bond proposals were approved. That is an almost 60% success rate. Three of the proposals that failed were supported by at least 65.4 percent of those voting on the measure.
- "In March and June of 1996, 24 of 32 school bonds passed (75%). One bond that failed received a 65.6% yes vote.
- "In November of 1995, 15 of 36 bond issues were approved (42%). Eight of the proposals that failed were supported by at least 65% of those voting on the measure."

More recently, in March of 1997, 16 out of 25 local school bond measures passed with a two-thirds vote, a 64 percent rate of passage. One of those bond issues was largest local bond issue ever authorized, the \$2.4 billion bond issue for the Los Angeles Unified School District, which passed with 70 percent of the vote.

As Fox points out: "many school districts that continue to pursue a bond are eventually successful -- even if their first attempt at securing the two-thirds vote is a failure. Over the past decade, 67% of the school districts which tried to pass a general obligation bond were finally successful in achieving a two-thirds vote, even if some of those district failed the first or even the second time out...Furthermore, since 1993, local bond revenue passed for school repair and construction is now three times higher than the amount passed in state bonds over that time."

Indeed, the two-thirds vote threshold has been state law since 1879. This mechanism proved sufficient to finance school construction throughout that period, including periods of massive immigration and population growth following completion of the transcontinental railroad, the explosive growth during World War II, and the post-war baby boom. The state constitution requires a two-thirds vote of the legislature for all tax increases and budgets. Even so, California's budget has more than doubled during the decade, while tax increases have broken all prior records. It is not exactly an insurmountable obstacle.

The Two-Thirds Vote is Inadequate to Keep Up With California's Population Growth

Actually, California's population growth has slowed dramatically from the early decades of the 20th Century, and the approval of local bonds has grown dramatically. State population growth in the decade of the 1980's was 26 percent. The average growth per decade in the preceding eight decades was almost twice as much: 43 percent. During all of these decades, the two-thirds vote proved adequate to keep pace with population growth nearly twice as great as California is experiencing today. Over the last decade, roughly half of local bond measures met the two-thirds threshold, and 70 percent were successful when attempted more than once. In the decade prior to Proposition 13, only 30 percent of school bonds received the two-thirds vote.

That, by the way, was the period in which Assemblyman Charles Garrigus and the other prototypical educrats wrote the ballot summary for Proposition 4. Just like their modern followers, they painted a bleak picture of the state's ability to keep pace with enrollment growth without the lowering of the two-thirds vote threshold. The threshold was maintained, and the sky didn't fall. School construction throughout the 1960's and 1970's kept pace with demand.

The Two-Thirds Vote Would Promote Local Control and Reduce Local Districts' Dependence on State Bond Issues

One issue that is agreed to by both sides is that lowering the threshold will increase local taxes. Opponents of the two-thirds vote argue this is a good thing, because it reduces the reliance of local districts on state bonds.

Accompanying measures in Governor Wilson's 1998 school construction package directly undermine this argument. In addition to proposing to gut the two-thirds vote requirement for local bonds, the Governor also proposes a record \$7 billion of new state construction bonds, with a 50/50 match requirement for local districts. This assures that all future local school construction projects will be financed with 50 percent state funds, guaranteeing that state strings will affect every new school in California.

Until the 1970's, with no state bonds issued, with a growth rate twice what California is experiencing today, and with an approval rate for local school bonds that is half of what it is today, local bonds fully financed school construction needs. This stands as dramatic testimony that districts need not rely on state bonds and need not lower the threshold for voter approved taxes. It strongly suggests that lagging school construction in modern California must be explained in other ways, such as bloated prevailing wage rates for labor on school construction, expensive and time consuming state regulations for construction approval - factors that now drastically increase school construction costs, drastically increase construction time, and hamstringing districts from accommodating the needs of this generation of school children.

The "Compromise" Three-Fifths Vote

Faced with strong opposition from taxpayer groups and taxpayer-friendly legislators, opponents of the two-thirds vote have advocated a lesser figure, usually the 60%, or three-fifths threshold.

This "compromise" has proven enticing to several legislators who have indicated a willingness to support or at least consider such a change.

It is, however, entirely unclear how the three-fifths vote requirement addresses any of the complaints that the school employees' lobby makes in opposition to the two-thirds vote. A three-fifths vote is still inherently undemocratic in their eyes. It should also be noted that since 1982, a 60 percent threshold would have increased the passage rate for bonds from just under 50 percent since 1982 to 70 percent, while a majority threshold would have increased it 93 percent (and 100 percent more recently). As many school bonds are defeated in the range between the majority vote and the three-fifths vote, as are defeated in the range between the three-fifths and the two-thirds vote. Thus, most of the complaints that school construction is being unreasonably hobbled by the two-thirds vote are still unaddressed with the three-fifths "compromise."

It is obvious that the school employee's lobby will not long be satisfied with the three-fifths vote. Indeed, when Sen. Newt Russell introduced ACA 20 in 1994 to reduce the threshold to a three-fifths vote, the Sacramento Bee called it "only an incremental improvement."

Magyar makes this point with respect to the question of the undemocratic two-thirds vote: "Once you have accepted that assertion, what logic makes 60% or 55% the proper standard? Members of the simple-majority movement do not object to a two-thirds majority. They object to the failure of bond proposals at the ballot. If all bond issues were being approved, no one would call for amendment of a constitutional provision that has endured for 118 years. Shaving the necessary majority to 60% may facilitate passage of more bond issues, but not all. Proponents of bond measure that fail with a 60% majority will capitalize on momentum created by discarding the 2/3 majority and renew demands for a simple majority. How do you stop it? "

Furthermore, at stake with the three-fifths majority "compromise" is whether the two-thirds threshold will stand for any future tax increases. Passage of the three-fifths majority "compromise" would directly and immediately undermine the basis for all other two-thirds vote requirements for taxes in law. If property tax increases for school districts are to be adopted by majority vote, why not

for fire districts and flood control districts, which directly save lives? If property taxes aimed at a narrow class of the public require only a majority vote, what legitimacy is there for a two-thirds vote threshold in the legislature for broad-based taxes? If a simple majority can pass a tax that exists for thirty years, why should a tax that can be repealed anytime require two-thirds?

Adherents to the three-fifths majority compromise are playing with a Pandora's box that has dreadful potential to taxpayers.

Conclusion

It is obvious why defense of the two-thirds vote threshold has been a top priority of taxpayer organizations around the state. Its diminution or abolition would have disastrous consequences for taxpayers, for property owners, and for fundamental issues of minority rights, property rights, and the debt burden of future generations.

There is ample reason to believe that the momentum is now waning from the school employees' lobby. Indeed, Proposition 170, in which every element of the election favored the lobby, failed miserably.

Support among Republicans, once sufficient to put Proposition 170 on the ballot has waned significantly. Indeed, one of the most ardent Republican opponents of reducing the two-thirds vote threshold today once introduced legislation to do so.

Even Democrats admit the momentum is fading from their movement. Copley News Service reported in March of last year:

"In the decades-old battle (to repeal the two-thirds vote), some veteran legislators who want the threshold lowered to a majority, think an attempt to roll the rock up the hill again this year would be futile.

"I'm not going to spend any time trying to put it on the ballot because I think it has lost momentum," said state Sen. Leroy Greene, D-Carmichael, chairman of the Senate Education Committee. 'I don't see anything that strikes me as changing the general position of the public.'"

Only Governor Wilson's swan's song state of the state message breathed a last gasp of life into the movement. It is quite possible that if the Assembly holds firm this year, the effort to repeal California's oldest taxpayer protection in the state constitution will gradually disappear.

Appendix

Table 1. Proposition 170 vote by Assembly District

District	Representative	Percent YES	Percent NO	Margin
1	Virginia Strom-Martin	24.9	75.1	-50.2
2	Tom Woods	20.4	79.6	-59.2
3	Bernie Richter	23.2	76.8	-53.6
4	Rico Oller	24.4	75.6	-51.2
5	Barbara Alby	27.8	72.2	-44.4
6	Kerry Mazzoni	35.7	64.3	-44.4
7	Valerie Brown	34.4	65.6	-31.2
8	Helen Thomson	31.3	68.7	-37.4
9	Deborah Ortiz	38.8	61.2	-22.4
10	Larry Bowler	30.3	69.7	-39.4
11	Tom Torlakson	27.9	72.1	-44.2
12	Kevin Shelley	43.1	56.9	-13.8
13	Carole Migden	59.6	40.4	19.2
14	Dion Aroner	54.2	45.8	8.4
15	Lynne Leach	31.6	68.4	-36.8
16	Don Perata	47.8	52.2	-4.4
17	Michael Machado	30.7	69.3	-38.6

18	Michael Sweeney	35.7	64.3	-28.6
19	Lou Papan	35.1	64.9	-29.8
20	Liz Figueroa	32.3	67.7	-35.4
21	Ted Lempert	40.8	59.2	-18.4
22	Elaine Alquist	34.7	65.3	-30.6
23	Mike Honda	36.6	63.4	-26.8
24	Jim Cunneen	32.1	67.9	-35.8
25	George House	27.0	73.0	-46.0
26	Dennis Cardoza	28.2	71.8	-43.6
27	Fred Keeley	35.0	65.0	-30
28	Peter Frusetta	28.0	72.0	-44
29	Charles Poochigian	34.7	65.3	-30.6
30	Robert Prenter	22.9	77.1	-54.2
31	Cruz Bustamante	31.9	68.1	-36.2
32	Roy Ashburn	20.2	79.8	-59.6
33	Tom Bordonaro	26.9	73.1	-46.2
34	Keith Olberg	22.2	77.8	-55.6
35	Brooks Firestone	35.0	65.0	-30.0
36	George Runner	21.2	78.8	-57.6
37	Nao Takasugi	27.9	72.1	-44.2
38	Tom McClintock	22.9	77.1	-54.2
39	Tony Cardenas	26.3	73.3	-47.4
40	Bob Hertzberg	32.7	67.3	-34.6
41	Sheila Kuehl	37.2	62.8	-25.6
42	Wally Knox	48.1	51.9	-3.8
43	Scott Wildman	30.0	70.0	-40.0
44	Jack Scott	33.0	67.0	-34.0
45	Antonio Villaraigosa	41.5	58.5	-17.0
46	Louis Caldera	51.3	48.7	2.6
47	Kevin Murray	46.3	53.7	-7.4
48	Roderick Wright	48.2	51.8	-3.6
49	Diane Martinez	33.5	66.5	-33.0
50	Martha Escutia	36.4	63.6	-27.2
51	Edward Vincent	34.5	65.5	-31.0
52	Carl Washington	36.6	63.4	-26.8
53	Debra Bowen	31.1	68.9	-37.8
54	Steven Kuykendall	29.4	70.6	-41.2
55	Richard Floyd	31.5	68.5	-37.0
56	Sally Havice	23.6	76.4	-52.8
57	Martin Gallegos	27.7	72.3	-44.6
58	Grace Napolitano	29.1	70.9	-41.8
59	Bob Margett	29.4	70.6	-41.2
60	Gary Miller	23.9	76.1	-52.2
61	Fred Aguiar	24.2	75.8	-51.6
62	Joe Baca	30.1	69.9	-39.8

63	Bill Leonard	29.0	71.0	-42.0
64	Rod Pacheco	29.6	70.4	-40.8
65	Brett Granlund	25.8	74.2	-48.4
66	Bruce Thompson	23.5	76.5	-53.0
67	Scott Baugh	24.5	75.5	-51.0
68	Curt Pringle	20.7	79.3	-58.6
69	Jim Morrissey	22.4	77.6	-55.2
70	Marilyn Brewer	28.8	71.2	-42.4
71	Bill Campbell	21.9	78.1	-56.2
72	Dick Ackerman	22.0	78.0	-56.0
73	Bill Morrow	26.8	73.2	-46.4
74	Howard Kaloogian	29.3	70.7	-41.4
75	Jan Goldsmith	24.5	75.5	-51.0
76	Susan Davis	30.1	69.9	-39.8
77	Steve Baldwin	27.8	72.2	-44.4
78	Howard Wayne	32.2	67.8	-35.6
79	Denise Ducheny	34.4	65.5	-31.2
80	Jim Battin	28.9	71.1	-42.2

Source: 1 Howard Jarvis Taxpayers Association

Table 2. Proposition 170 Vote by Senate District

District	Senator	Percent YES	Percent NO	Margin
1	Tim Leslie	23.9	76.1	-52.2
2	Mike Thompson	29.4	70.6	-41.2
3	John Burton	45.7	54.3	-8.6
4	Maurice Johannessen	24.9	75.1	-50.2
5	Patrick Johnston	30.4	69.6	-39.2
6	Leroy Greene	32.4	67.6	-35.2
7	Richard Rainey	30.0	70.0	-40.0
8	Quentin Kopp	39.3	60.7	-21.4
9	Barbara Lee	51.7	48.3	3.4
10	Bill Lockyer	34.1	65.9	-31.8
11	Byron Sher	36.5	63.5	-27.0
12	Dick Monteith	27.5	72.5	-45.0
13	John Vasconcellos	35.3	64.7	-29.4
14	Ken Maddy	27.0	73.0	-46.0
15	Bruce McPherson	32.4	67.6	-35.2
16	Jim Costa	27.0	73.0	-46.0
17	Pete Knight	21.8	78.2	-56.4
18	Jack O'Connell	31.0	69.0	-38.0
19	Cathie Wright	25.4	74.6	-49.2

20	Herschel Rosenthal	30.5	69.5	-39.0
21	Adam Schiff	31.8	68.2	-36.4
22	Richard Polanco	44.5	55.5	-11.0
23	Tom Hayden	41.9	58.1	-16.2
24	Hilda Solis	30.6	69.4	-38.8
25	Teresa Hughes	35.4	64.6	-29.2
26	Diane Watson	46.8	53.2	-6.4
27	Betty Karnette	26.7	73.3	-46.6
28	Ralph Dills	31.2	68.8	-37.6
29	Dick Mountjoy	27.0	73.0	-46.0
30	Charles Calderon	30.7	69.3	-38.6
31	Jim Brulte	27.3	72.7	-45.4
32	Ruben Ayala	27.0	73.0	-46.0
33	John Lewis	21.9	78.1	-56.2
34	Rob Hurtt	21.2	78.8	-57.6
35	Ross Johnson	26.6	73.4	-46.8
36	Ray Haynes	26.1	73.9	-47.8
37	David Kelley	26.3	73.7	-47.4
38	William Craven	28.1	71.9	-43.8
39	Deidre Alpert	31.2	68.8	-37.6
40	Steve Peace	29.9	70.1	-40.2

Source: 2 Howard Jarvis Taxpayers Association